

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION

Call to Order: By **CHAIRMAN KATHLEEN GALVIN-HALCRO**, on February 2, 2005 at 3:00 P.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Kathleen Galvin-Halcro, Chairman (D)
Rep. Joan Andersen, Vice Chairman (R)
Rep. Gary Branae, Vice Chairman (D)
Rep. Edward B. Butcher (R)
Rep. Margaret H. Campbell (D)
Rep. Tim Dowell (D)
Rep. Wanda Grinde (D)
Rep. Roger Koopman (R)
Rep. Bob Lake (R)
Rep. Joe McKenney (R)
Rep. Holly Raser (D)
Rep. Scott Sales (R)
Rep. Jon Sonju (R)
Rep. Dan Villa (D)
Rep. John Ward (R)
Rep. Jeanne Windham (D)

Members Excused: None.

Members Absent: None.

Staff Present: Chris Lohse, Legislative Branch
Eddie McClure, Legislative Branch
Nina Roatch-Barfuss, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 448, 1/27/2005, HB 47, 1/21/2005
Executive Action:

HEARING ON HB 448**Sponsor:** REPRESENTATIVE ELSIE ARNTZEN, HD 53, Billings**Opening Statement by Sponsor:**

REP. ELSIE ARNTZEN opened the hearing on **HB 448**, which allows schools to establish savings funds. The goal of the bill is to increase the spending and flexibility potential of a school district. At the end of the school year, the bill asks for the monies that are placed in a budgeted fund flow to a non-budgeted fund, called the savings fund. It is a fund that is capped where districts could place up to \$25,000 into it. The bill would affect 74% of the 444 school districts in the state. The 327 (the 74%) districts that have monies left over at the end of the year could save and use it to more efficiently spend the tax dollars that are accrued. Presently eighty-two (25%) districts could go to the maximum of the cap at \$25,000. There is no statute that says a district must spend the yearly budget. The amount carried over, that is not put into the appropriated reserves fund, is used to fund the next year's budget. The fiscal note shows that a tax increase could occur. Not all districts may participate in the discretionary proposal. At the end of year the question arises, to what benefit is the money left over to be spent. Montana is at a crossroads with the chore of defining and funding a quality education.

Proponents' Testimony:

Dan Marten, Billings Public Schools, rose in support of the bill. Within the scope of the legislation, Billings would like to see, perhaps in the form of an amendment, thinking that would say, "One percent of the general fund could be placed in savings." Years ago schools could do something called "cash re-appropriate." Presently, if the school is a Guaranteed Tax Base (GTB) School, when the school cash re-appropriates, it foregoes GTB in the next year's budget. He believed he could guarantee that schools would not do that. Schools are not saving money from one budget and applying it to the next year's budget to reduce levies, because the school loses GTB. The change came in 1993. Before that, schools could cash re-appropriate from one budget to the next. Schools, as they worked through the budget planning process, could decide whether to run a levy. The school might count on money left at the year end. Leftover money might be substituted for the levy that was considered. The school would initiate steps to ensure that the school would have money left at the year end. In lieu of running the levy, the school would re-appropriate to the next year without any penalty on the GTB. As the law reads now, the school doesn't save any money, if

they have money left at the end of the year, the board decides which items will be purchased with year end money. When they had the option of cash re-appropriate to reduce taxes, the board would consider the list of needed items and decide what to do for the next year's budget and what to do for taxpayers. More times than not, boards would opt to soften the voted levy.

Lance Melton, Montana School Boards Association (MSBA), rose in support of the bill and suggested that the committee might look at a percentage as suggested by Mr. Marten. He suggested 1% of the general fund budget as opposed to the flat \$25,000 amount. MSBA represents school districts that have general fund budgets from \$35,000 to \$84,000,000. A sliding scale might be considered also. At present there is no incentive for a school district to save money at the end of the year because it doesn't benefit its taxpayers. It benefits the state general fund.

Dave Puyer, Montana Rural Education Association (MREA), stood in strong support of the bill. The measure will address much of the confusion and concern that MREA saw amongst local voters across the state. Voters don't understand school funding. They specifically and particularly don't understand the idea that schools can't be economical, that the school can't reserve money and project and look at long term expenditures and do it in a way that businesses, homeowners and families do it. Schools used to be able to do it. Years ago it was called the reserves in the schools. Reserves were great for school districts and communities. MREA supports the idea of a percent rather than a flat tax. The bill is a great effort and gives local control that will not be abused.

Darrell Rud, Executive Director of School Administrators of Montana, rose in support of the bill. He remarked that the bill is a good idea that could get better if some allowances were made based on the size of the school district. Such a savings account could help the unexpected or long extended misery that many school districts go through.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REP. KOOPMAN sought information from Lance Melton. He wondered about Mr. Melton expressing that when money is not spent that it would not impact the local taxpayer. The money goes to the state. The REPRESENTATIVE had been told that this type of money movement would affect the taxpayer because the unspent money

would have been reflected in the local levy. **Mr. Melton** informed him that the under-based budget, the base budget that each school district is required to adopt by law, is funded through a combination of local taxes--direct state aid, which is one form of state aid and GTB. The GTB is a sliding scale amount that is paid to school districts based upon their taxable value. Presently when the school district saves money at the end of the year and doesn't spend or reserve it, instead of reducing the taxpayers obligation in the next year, it displaces what they would pay in taxes but by virtue of that fact, the district gets less GTB from the state. Then the district's levy goes back up. The cleanest way to do it if the district was after tax relief rather than safings, would be use the money to reduce the district's over-based levy. There is an over-based levy for the majority of the school districts in the state. The bill has a fiscal note that would suggest that each school district in the state will take the \$25,000 and put it in a savings. That will increase the state's under base support in GTB.

REP. KOOPMAN wondered if Mr. Melton had any thoughts on whether the bill's approach works better or whether increasing the reserve limits in the general fund would be a better approach.

Mr. Melton told him it could be done either way. He said that \$25,000 would not tackle the issue in its entirety. **Mr. Melton** said, "The cycle needs to be broken." Something has to be done to avoid the state's reliance on school districts kicking back money to displace the obligation that is there when they fund the schools in the formula.

REP. KOOPMAN wondered if there were mechanisms that the school districts could look into that amount to forms of savings that schools can explore or use more effectively. He asked, "Can they (schools) find a way to spend the money by having it in a savings with certain suppliers that provide to the school district, where it is actually used later for the shipment of books and supplies, etc., ...ways to tuck the money somewhere that has some positive effect?" **Mr. Melton** informed him that one can mitigate the issue to some degree by crafting contracts in a way that require payments on convenient dates or pre-payments for services to be delivered thereafter. To his mind, it is a hit-or-miss approach. Districts seem uncomfortable doing it this way even though they have the right to do so.

REP. GRINDE pressed the Sponsor for the reasoning behind reducing the cap on the amount of money a school district could put in its reserve account to ten percent, which is where it stands today.

REP. ARNTZEN related that the cap did start at 35% and had been lowered. She asked to refer the question to Lance Melton as to the rationale behind lowering the cap. **Mr. Melton** reported that

his understanding of it was that it came in conjunction with the implementation of **HB 667**. That was the state's attempt to comply with the court ruling from 1989, which required that spending be equalized across the state. There was a level of consternation by legislators at the time because there was a significant increase in funding that was provided during a couple of interim solutions between 1989 and 1993. In 1991 the legislature had **HB 28** turned into **HB 667**. The state was thinking it didn't want the school reserves high when it was trying to fix a court ruling and schools were saying there wasn't enough money. The decision was about equity, but the schools were contending that they didn't have sufficient funds. The state was thinking if the schools didn't have sufficient funds to operate, the schools shouldn't have large reserves. Therefore, the state required the schools to spend them.

REP. WARD suggested that since Mr. Puyer represented the MREA, the **REPRESENTATIVE** was curious about MREA's support of a fixed percent rather than a flat rate. It seemed to him that small schools might not prefer a fixed percent.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 30}

{Tape: 1; Side: B}

Mr. Puyer felt that for a large majority of his members the percentage would be a better deal, though he allowed that for a few school districts, that might not be true. **Mr. Puyer** suggested that a compromise might be to put in "...either, or...."

REP. ANDERSEN asked Mr. Melton, "In view of the fact that the fiscal note was based on the \$25,000 figure per eligible or participating district, do you have any idea how the fiscal note would change if it was 1% of their general fund budget?" **Mr. Melton** felt that if it was 1% of the general fund budgets, he knew that adopted general fund budgets are approximately \$775,000,000 statewide. He said it was conceivable that the estimate would come back at \$7.75 million a year. **REP. ANDERSEN** asked if, "In this case the school would build its reserves first and then use the savings account as its second line of saving some money toward some other contingency." **Mr. Melton** informed her, "That is correct." A school district presently uses its reserves to pay bills that come in during the first several months of the subsequent year and a school district can be taken for a real ride if it has any sizable tax protests in its district. The reserves go in a hurry and typically are insufficient at the present levels to cover a sizable tax protest.

REP. LAKE invited Mr. Melton to clear up the question as to whether there are any restrictions on the spending of the reserves in the general fund budget. **Mr. Melton** told him that there is a provision that says the district can earmark up to ten percent of the district's general fund budget for payment of warrants to be paid by November 30 in the subsequent fiscal year.

REP. LAKE asked if he was hearing there are no different restrictions on the spending of the reserve funds and the money talked about in the bill being put in savings. He was wondering if moving the reserve account up one percent would have the same effect as the bill would have. **Mr. Melton** felt the effect would not be quite the same. There would be more room to reserve money but it was his belief that districts do not engage in wasteful spending but there were times when time is short if the district doesn't have something purchased and paid for by a certain date, then it goes back to fund balance re-appropriated. There is a slight difference in terms of the specific ability to reserve right now and set aside for a later purchase as opposed to raising the ten percent up to eleven percent.

REP. LAKE pondered that the \$25,000 in the bill is really not the correct number, but \$630,000 would be more accurate. At present, he believed, there was about \$9.99 million being sent back to the state by the districts. **Mr. Melton** said he had not seen the fiscal note, but that it sounded reasonable as he understood it.

REP. LAKE remarked that \$9.99 million minus the \$630,000 would leave a sizable amount going to the state. **Mr. Melton** agreed.

REP. VILLA inquired about the ten percent reserve. He asked if it was true that it is the only cash on hand for the districts to carry them through the next tax cycle. **Mr. Melton** answered that for the most part, he was correct. There are provisions that say that the school doesn't actually go into the mode where the county treasurer issues the actual deficiency warrants until the school has no funds left. There is a prohibition on transferring money from fund to fund, but if the school gets into a situation where it is out of cash in its general fund, and if there is cash in other funds, it can still be used to avoid creating deficit warrants. He believed that for the most part, the REPRESENTATIVE was correct.

Closing by Sponsor:

REP. ARNTZEN informed the committee that the purpose of the bill was to make it possible for school districts to have local control. They would have control over the flexibility of funds that are there.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 10.5}

HEARING ON HB 47**Opening Statement by Sponsor:**

**Sponsor: REPRESENTATIVE KATHLEEN GALVIN-HALCRO, HD 26,
Great Falls**

REP. KATHLEEN GALVIN-HALCRO opened the hearing on **HB 47**, which would provide the appropriation for full-time funding to public school districts for full-time kindergarten students in public school districts which choose to implement the program. She brought the bill at the request of the Office of Public Instruction (OPI). Presently state funding is for one-half of full-time kindergarten needs. Economists, government officials, educators, and parents know that economic development starts with the development of young children. By providing young children early educational opportunities, the state is preparing them for the global economy in which the children will one day want to succeed and lead. Economists stress that expanding the number of high qualities early in childhood programs is the right thing to do, if the state is serious about giving all children access to true educational opportunities. When economists examine the cost and benefits of early childhood education, they argue that it is an important step toward putting and keeping everyone on sound fiscal footing for decades to come. Economist Robert Lynch writes, "For every dollar invested in early educational opportunity, the investment consistently generates a return of three dollars or more to our society in the future." Lynch also noted that, "Of the children who live in lower social-economic situations and are provided a quality early educational program, there will be substantial payoffs for governments and taxpayers in the future." As the children progress through school, cause for remedial and special education, criminal justice, and welfare benefits decline. When those young people enter the labor force, their incomes are higher along with the taxes that they pay back to society. There are many examples and reports of early educational programs and the differences that they make for children, families and society. The **SPONSOR** had information from Joan V. Ehrenberg in Whitefish, Montana, who is in full-support of the full-day program and also from Jim and Judith Butler of Silesia, Montana. For each committee member she had testimony from Melody Wall who is a kindergarten teacher at the Four Georgians Elementary School in Helena, Montana, and from Peggy Larson who is a Great Falls Day Care Association President.

EXHIBIT (edh26a01)

EXHIBIT (edh26a02)

EXHIBIT (edh26a03)

EXHIBIT(edh26a04)***{Tape: 1; Side: B; Approx. Time Counter: 10.5 - 14.9}*****Proponents' Testimony:**

Linda McCulloch, State Superintendent of Public Instruction, rose in support of the bill and presented written testimony.

EXHIBIT(edh26a05)***{Tape: 1; Side: B; Approx. Time Counter: 14.9 - 24.8}***

Darrell Rud, Executive Director of the School Administrators of Montana (SAM), rose in support of the bill and presented written testimony.

EXHIBIT(edh26a06)***{Tape: 1; Side: B; Approx. Time Counter: 24.8 - 30}******{Tape: 2; Side: A}***

Josh Middleton, Superintendent of Laurel Public Schools, rose in support of the bill and presented written testimony.

EXHIBIT(edh26a07)***{Tape: 2; Side: A; Approx. Time Counter: 0 - 5.5}***

Bryan Dunn, Superintendent of Great Falls Public Schools, informed the committee that he had been in Great Falls for seven years. About five years ago he realized that the No Child Left Behind Act was the train coming down the track. His school administrative group started looking at what kinds of things they could do that would make a difference and impact student learning. The first thing they came up with was the fact that all-day kindergarten would make a difference. The committee had heard about the research done from earlier testimonies. His research did not find one study that said half-day kindergarten was better than all-day kindergarten. He agreed that there could be a study somewhere, but he hadn't found it. He had found a few studies that talked about the fact that they couldn't discern a difference between full- and half-day classes. There were other studies that looked at specific points, but in general all of the research said that full-day kindergarten had a greater impact on kids than half a day. By impact he was talking about student learning, grade promotions, the number of kids retained in class, etc. He notified the committee that the first year they had full-day kindergarten, he had about twenty parents that opposed the idea. This year Great Falls has about 800 kids in kindergarten and there are three people who have taken the school up on the option of using the half-day program. The person who led the charge to oppose the idea three years ago, has his children in full-day kindergarten. **Superintendent Dunn** passed out some examples of Great Falls kindergarten students' work.

EXHIBIT (edh26a08)

Amy Potoczny, 2nd Grade Teacher, Great Falls, said one of the main things she wanted to point out was she worked with the students that did not have the benefit of full-day kindergarten and this year she has the students who did have the benefit of full-day kindergarten. One of the biggest things she had seen were students coming into the classroom this year and sitting down in their seats, fully relaxed and ready to learn. Their mind set was so into learning and being ready for what they had to get out of second grade. She had to throw out her first day plans and start over. As a mother, she believed her son had blossomed under the full-day program. The benefits, skills, and motivation that her oldest son had acquired, directed her to put her younger child in the same program when the time came.

{Tape: 2; Side: A; Approx. Time Counter: 5.5 - 12.9}

Steve Shallue, 1st Grade Teacher, Great Falls, reported his experiences before and after all-day kindergarten. Prior to all day classes, he would average about twenty-five percent of his students completing his basic reading program which is a grade level of 2.3. As of today, 40% of his class had completed the program and next month the number will be 60%. It is a big change. The greatest thing his daughter got out of the all-day kindergarten was a love of learning.

Amber Bausch, Kindergarten Teacher, Great Falls, had taught full-day kindergarten for three years. Full-day kindergarten has changed the culture in her classroom. Children no longer ask her when it's playtime, time to go home, or when it is time for snacks. They ask her when it will be reading time or math time. When they started the program, the community was worried about perceived pressure but **Ms. Bausch** said it has proven to be a needless worry. Before the program started she was asked what she would do with all the time she would have. That was where the pressure came when she taught kindergarten for half a day. There were two and a half hours to get too much done. She was moving all the time. She didn't have time to listen to the students or get to know them like she does now.

Sue Dickenson, rose in support of the bill. Times have changed and children find themselves in families where both parents work and families are smaller so there are not as many siblings to bond with. Learning patterns have changed also and it is believed that children are ready to learn much more at kindergarten age than was accepted as the norm some years ago.

{Tape: 2; Side: A; Approx. Time Counter: 12.9 - 19.6}

Carol McKittrick, Principal Mountain View School, Great Falls, advised the committee about the handout presented by Dr. Dunn. She reported that during the first year Great Falls offered full-day kindergarten, there were eight sets of parents that opted to not have their children participate in the full-day. By semester time, there were only two families that did not participate. The reasons not to participate were varied. Some parents were worried that their students didn't have the energy to attend all day, they would miss their mom, some thought they should be home with their families. By semester time most had chosen the full-day option because they could see the children were excited about learning.

Lonnie Yingst, Assistant Superintendent K-5, Great Falls, passed out information on the progress made by students who had attended full-day kindergarten compared to half day progress. He reported that he could say with confidence that because of the school system's full-day kindergarten, the Great Falls curriculum is at least twelve weeks advanced from where it was prior to the program. What he had passed out were the results of the Iowa Test of Basic Skills. He discussed the statistics with the committee. He believed the bill is in the best interests of the Montana students.

EXHIBIT (edh26a09)

Dan Marten, Billings School District #2, rose in support of the bill for all the reasons the committee had heard. His concern was about the dollars in the bill. He said the money would not be enough for Billings to implement the program. By his calculations, Billings would be about \$200,000 short. That meant if he would like to have the opportunity for his kids, he would have to look at Billings' 1-8 grade program and take something away. Unfortunately, if one looked at the first grade, the first grade in Billings is underfunded by \$250,000. The second grade is underfunded by about \$250,000 and it continues until the seventh grade where it is probably underfunded by about \$350,000. The gist of what he was talking about was that the Billings School System is about two million dollars short in its elementary budget for next year. Some very tough decisions will have to be made in their system if the legislature doesn't come up with some money for schools and they would like the legislature to move sooner than later. They don't want to make those decisions in May.

{Tape: 2; Side: A; Approx. Time Counter: 19.6 - 30}

{Tape: 2; Side: B}

Terry Middaugh, Bryant School Kindergarten Teacher, Helena, teaches full-day kindergarten. This is her first year in full-day kindergarten. Her school has a history for keeping data.

The kindergarten class of 2003-04 took an early literacy test and the 2004-05 class took the same test. This group this year had a positive twelve-point difference. Present students are already performing above what the kindergarten students scored at the end of the year, last year.

In the Bryant School, 70% of the students are on free or reduced price lunches. Out of 50 kindergarten students, last year, there were seven to nine retentions. Down the road those retention students experience low self esteem and the learning desire disappears. Over the years then, the students end up in special education, and the gap gets bigger and bigger. Full-day kindergarten offers the students the opportunity to learn in a relaxed environment. The class isn't trying to do math, social studies, science, social skills, physical education, and music in two and a half hours. The students have all day to do them. The teacher can take time for individual intervention for the students. Recent brain research shows when neural connections are made. Neural connections are the vital component to learning building blocks for reading and mathematics. When one is talking about neural connections being made, they don't happen later, they happen earlier.

VICE-CHAIRMAN GARY BRANAE asked the remaining proponents to come to the podium and state their name and position.

Bruce Messinger, Superintendent of Helena Schools, rose in support of the bill. He offered an invitation to anyone who would like to visit full-day kindergarten at Bryant School in Helena.

Dave Puyer, Montana Rural Education Association (MREA), stood in strong support of the bill and reminded the committee the bill would affect rural education also.

Terry Minow, Montana Education Association-Montana Federation of Teachers (MEA-MFT), rose in support of the bill and said the organization saw the bill as a wonderful opportunity to improve Montana's system of quality education.

Lance Melton, Montana School Boards Association (MSBA), stood in strong support of the bill.

Steve Meloy, Board of Public Education, rose in support of the bill.

Marsha Davis, Lewis and Clark County Superintendent of Schools, rose in support of the bill and also spoke for the state county superintendents.

Russ Van Hook, Principal of Helena Bryant Elementary School, rose in support of the bill.

{Tape: 2; Side: B; Approx. Time Counter: 0 - 6}

Opponents' Testimony:

Elaine S. Herman, Montana Eagle Forum, gave the committee her qualifications as a home start teacher, an elementary primary teacher, and as a parent of a special-needs child. She is a registered investment advisor. Eagle Forum opposed the bill because it is not beneficial to Montana children's educational advancement. Professionals know that children between the ages of four and six years old are not able to concentrate for more than two to four hours on reading readiness. She believed that was not in conflict with previous testimony. As a former first grade teacher, she could add that one year later it is still very difficult for a child that age to focus on reading readiness for a day's schedule. **HB 47's** intention is not to promote the children's learning skills but to provide paid day care. The children's education funds are stressed trying to provide basic quality education for the children. Day care is a much sought after service in today's society, it is not categorically appropriate under basic education. Montana Department of Health and Human Services (MDHHS) currently makes provisions for day care services for those who qualify.

The National Education Association (NEA) has a resolution titled Early Childhood Education. She referenced, "The National Education Association supports early childhood education in the public schools for children from birth to age eight. The association declares, parents or other family members are not as well equipped with parenting skills as college graduates with early childhood education degrees." She was there to tell the committee that the vast majority of Montanans are highly offended by the resolution. The Early Childhood Education Services advocated by NEA are parenting skills, childcare, and developmentally appropriate diversity based curriculum. The resolution states the programs should be mandatory at kindergarten with compulsory attendance. **HB 47** is an attempt for NEA to accomplish their goals. The simple math for the cost of public education breaks down to approximately \$45 a day per student. The cost of one half day of private day care is approximately \$10 in Helena. Assuming one half day of education per kindergarten would be half the cost of a full-day kindergarten, it is clear that full-time kindergarten is over four times the cost of full-time day care.

The Legislative Audit Office estimated the added cost of full-time kindergarten at \$22,000,000. That amount divided by 10,330,

or the number of teachers in Montana, is approximately \$2,130 per teacher. She asked, "What do you think the people of Montana would answer if they were asked, 'Should we take \$2,130 out of every classroom across the state to use it to convert kindergarten to full-time?' The answer would be a resounding, 'No.'" She said, "This would be frittering the children of Montana's education fund away."

Mike Delancy, Angel Childcare, Missoula, Montana, reported that quality childcare does many of the things the educators have claimed will be achieved in full-day kindergarten. He saw a problem in the fact that Montana no longer requires an early childhood endorsement for K-3 teachers. Teachers need to have a fundamental understanding of what five year olds are capable of so that there is an appropriate program for them. If it is a bad program for half a day, making it a full-day is not going to make it a good program. In Great Falls after the full-day kindergarten was enacted, one third of small business owners who ran quality childcare centers went out of business. That meant there was less childcare before school and after school; there was no place for the kids to go. Providers cannot afford to hire someone to take care of a child for one hour in the morning and a couple of hours in the afternoon. To hire a full-time person, requires that a business pay a full-time wage. Parents can't afford it.

{Tape: 2; Side: B; Approx. Time Counter: 6.0 - 16.6}

Dallas D Erickson, Montana Family Coalition, stood in opposition to the bill and presented written testimony.

EXHIBIT(edh26a10)

Harris Himes, President of Montana Family Coalition, wished to follow-up on what Mr. Erickson had been speaking about. He informed the committee that the proponents were all public school teachers or in the public school domain. To him, that showed a degree of bias and there would not be a great degree of objectivity. As a pastor in Hamilton, he was acquainted with many home school students. These students put the public school students to shame at every age level. He was not surprised to hear previous testimony talking about the students ability to learn at young ages. His issue was, "What are they learning? The NEA and MEA-MFT are interested in values that his group cannot support. They are interested in talking about alternative life styles and encouraging people in those things. They are talking about evolution which many of us disagree with as far as really true science." He understood that there is a difference of opinion on the issues, but for them its not as one of the proponents called, "a revenue stream." For them it is a "moral stream." He wondered what the moral stream would be if the

student was in class all day instead of half a day where the schools can indoctrinate young kids at a time when they are in formidable years. The present session has shown itself to be, given many of the bills that are coming up, anti-home school or unfriendly to home school programs. To him, many of the bills were anti-Christian.

REP. VILLA called for a point of order. He stated that in the future he desired the opponents to stay on the wording of the bill. Presently the committee was hearing **HB 47** and the ramifications of it. He believed the testimony he was hearing was homophobic gay bashing and that kind of testimony needed to stay out of the committee room. **VICE-CHAIRMAN BRANAE** said, "So noted."

REP. KOOPMAN called for a point of order. He informed the committee he needed to go on record as disagreeing with **REP. VILLA**. He appreciated anyone coming before the committee and saying what was on his/her heart and mind. He did not agree that there was any gay bashing going on. He said he didn't want anyone testifying before the committee to feel they could not share their heart.

REP. DOWELL said he needed to reply to something that had been said. He said, "As a thirty year teacher and member of the MEA-MFT, I take it very, very, personally, and I would assume that the tens of thousands of teachers in and around the state and country would be highly offended to be saying we have an agenda somehow to disrupt the American way and he wished that the characterizations would be kept away. This is a committee to be hearing legislation."

William D. Wise, Retired Doctor of Internal Medicine, thought back to when Nancy Keenen was Superintendent of Schools and she openly promoted abortion and she quietly

REP. BRANAE interrupted and asked the witness to keep to the wording of the bill.

William D. Wise continued and said that over the years NEA had promoted homosexuality....

REP. BRANAE again asked the witness to keep to the wording of the bill and Mr. Wise returned to his seat.

REP. KOOPMAN announced that he had seen a great deal of leniency and respect shown in every committee he had ever served on in the legislature. He believed intimidating witnesses that had come to the meeting to speak had to stop. **REP. BRANAE** reminded **REP.**

KOOPMAN and the committee that the hearing was on **HB 47** which discussed full-day kindergarten.

REP. ANDERSEN remarked that she believed that the people who had come to the hearing to express their opinions had done it in good faith. The committee did not have to agree with what was said. She believed that the citizens of Montana had the right to come and express themselves. **REP. BRANAE** said he agreed with the REPRESENTATIVE's remarks but said the hearing rules indicated that the hearing should be on the bill that is being considered.

{Tape: 2; Side: B; Approx. Time Counter: 6 - 30}

{Tape: 3; Side: A}

REP. BUTCHER believed that at times the committee restricts the testimony and at others it expands it. He believe testimony should stay open to the discussion around the topic and the committee should show respect to those who have come to testify.

REP. WARD said he served on the Fish Wildlife and Parks Committee and it had shown great respect to a person who had testified and did not appear in complete control of his facilities. He wanted the utmost courtesy shown to those who wished to testify even if those people were off the subject. He said that what was happening in the meeting was not very decorous or considerate.

REP. LAKE had a comment against the point of order. Legislators were elected to listen to testimony. The discussion on a bill, whether members believe the people giving the testimony or not, should be saved for executive session.

REP. BUTCHER asked the members of the committee to not interrupt on points of order. He believed that to be the chairperson's prerogative. He believed it to be very discourteous for members of the committee to shout out, "Point of Order." **REP. BRANAE** explained to the REPRESENTATIVE that a member could call for a point of order.

REP. RASER agreed with the chairperson and said the committee had much to do and needed to hear testimony on the issues being considered.

{Tape: 3; Side: A; Approx. Time Counter: 0 - 4.5}

David Higbee, informed the committee that he was a parent and had two children in the Helena Public School System. He believed that full-day kindergarten had been represented as having a significant impact on economic development. He believed that was taking an issue to the broadest extent. He was disappointed about not hearing the testimony from Dr. Wise. He believed that economic development was a function of sound families, not of

full-day kindergarten. The bill is a Band-Aid approach that made it less likely that sound families would be able to provide the kind of background that children needed to grow up healthy, strong and productive. There would be an added tax burden and he believed there were social implications having kids away from home at an early age. In his opinion, early education programs were not nearly so easily proved in their long term impact as had been claimed. Parents don't need an extra tax burden. Tax burdens required both parents to work; and work drives parents apart. He believed there are so many educational needs and this is not the year for the bill. The research that had been spoken of by the education community did not back up his research.

Informational Testimony: None

Questions from Committee Members and Responses:

REP. CAMPBELL questioned **REP. GALVIN-HALCRO** as to whether a full-day kindergarten class would take time for a nap. The **SPONSOR** referred the question to Amber Rausch. Ms. Rausch informed the committee that when she first started teaching full-day classes the teacher was given the option to offer naps, rest, or quiet time, to the class members. The students appeared to be insulted by the offer.

REP. CAMPBELL wondered how the kindergarten child behaved after a full day of class. She questioned whether the student was lethargic. **Ms. Rausch** informed the **REPRESENTATIVE** that she was lethargic, but the students were not. During the first couple of weeks of school the students seemed a bit tired, but adjusted quickly.

REP. KOOPMAN desired information from Superintendent McCulloch. He reminded her that she had conveyed that all the studies she found on full-day kindergarten indicated it was beneficial. He questioned her about the book, "Better Late Than Early" by Dr. Raymond Moore; and the book, "The Hurried Child" by Dr. Kevin Lehman. **Superintendent McCulloch** told him she was not familiar with either book. **REP. KOOPMAN** read a portion of a letter sent to him from Dr. Leonard Ramsey. The letter was passed out as an exhibit. The **REPRESENTATIVE** asked for her reaction to the letter. **Superintendent McCulloch** replied that she had traveled the state and met kindergarten teachers who will develop a curriculum to meet the needs of their students. She emphasized that she had kept the bill optional for parents in the event that a parent wished to put their child in any program desired. The parent has the opportunity to keep the child at home. **REP. KOOPMAN** inquired of Superintendent McCulloch as to whether there would be social pressure for a parent to put the child in full-

day kindergarten because the parent didn't want the child to get behind. He felt the parent might do it when he didn't really want to do so. **Superintendent McCulloch** said she had always believed that the first and best teacher a child had was the parent. She put a great deal of stock into the idea of a parent choosing what was best for the child. **REP. KOOPMAN** presented written testimony from Dr. and Mrs. Leonard Ramsey and Louise S. Turner, who were in opposition to the bill.

[EXHIBIT \(edh26a11\)](#)

[EXHIBIT \(edh26a12\)](#)

REP. KOOPMAN sought Dr. Dunn's opinion regarding the two books he had mentioned to Superintendent McCulloch. **Dr. Dunn** claimed to have read portions of the books but did so a number of years ago. **Dr. Dunn** wondered if the REPRESENTATIVE had the copyright dates on the books. **REP. KOOPMAN** did not have that information but would seek it. **REP. KOOPMAN** reminded Dr. Dunn that he had given information about parents saying they didn't want their children missing out if they didn't attend kindergarten all day. He wondered if parents would feel a social pressure to have the child in full-day kindergarten, when they might not choose that for themselves. **Dr. Dunn** said there was truth in what the REPRESENTATIVE hypothesized. **Dr. Dunn** said there was some social pressure but he felt the greatest pressure came when the parent wanted the child to excel academically with his classmates.

REP. SALES invited information from Superintendent McCulloch. He was of the impression that there are twenty-two states that have full-time kindergarten and he was wondering of the twenty-two states that have it, how long they have had it. He wanted some data about the success of the programs in those states as to the dropout rates and test score improvements and he wanted such data from states near Montana, if possible. **Superintendent McCulloch** informed him that OPI would be glad to find that information; and OPI has some resources available to start receiving the data.

REP. McKenney pressed Dr. Dunn about Great Falls being able to implement the all-day kindergarten without the bill, so he wondered why the need for the bill and how the Great Falls District could afford the program without the bill. **Dr. Dunn** answered the financial question first. He said they did it in a variety of ways. There was some savings when the schools didn't run noon buses. The second thing they did was to increase the class size by several students in grades 1, 2 and 3. The district has projected its finances for five years and made assumptions that the state will provide the aid they have in the past, and if they pass every levy for the maximum amount, they will be \$6.5 million short at the end of five years. They will make some very large cuts. They have started those cuts by

preparing to close a middle school which will save the district about \$2.2 million. The district is laying off fifty people. He believed Great Falls people would tell the committee that full-day kindergarten would be the last thing they wanted to see cut.

REP. LAKE summoned information from Eddye McClure. He wondered if the legislature instituted the bill, if it would be within the constitution that guarantees equal educational opportunity for all of the state's citizens. **Ms. McClure** said that would be up to the court to decide. **REP. LAKE** was worried about the equal opportunity portion of the request. He said if the legislature put the bill into place as part of the state's educational system, he wondered if it would create the opportunity for a law suit for a family in a rural district because that particular district did not want to offer kindergarten. **Ms. McClure** assured him that there is the possibility that some districts may offer kindergarten and some won't. The question could be raised.

{Tape: 3; Side: A; Approx. Time Counter: 4.5 - 30}

{Tape: 3; Side: B}

REP. VILLA requested information from Lance Melton. He wanted Mr. Melton's opinion as to the legality of the bill as questioned by **REP. LAKE**. **Mr. Melton** said he saw no conflict. He said the court had already ruled that the education formula is equitable.

REP. VILLA asked Mr Melton to elaborate for the committee his interpretation of the choice argument heard during the committee hearing in relation to parental choice in regard to **HB 47**. **Mr. Melton** said, "Bob Vogel and I worked with the staff on the subcommittee that did the full-day kindergarten proposal in the Renewal Commission and we confronted that very issue in constructing that, we wanted to have it specifically crafted so that the school district would not have an obligation, nor would they have the right to compel the participation of pupils." There is a distinction in law between the age when a school district has to start offering services. That is the provision in law that the bill seeks to amend and a separate provision in law that says when the parents have to start sending their kids to school or have to start notifying the county superintendent of their participation in a home school curriculum.

REP. VILLA asked Lance Melton, if as one of the designers of the proposal via the Renewal Commission (bipartisan commission), if he saw any differences or conflicts between parental choice as is current and the parental choice as could be implemented in **HB 47**. **Mr. Melton** answered that he saw it as an expansion of parental choice. It is at the parent's discretion when to send their child to school as a pupil for kindergarten and first grade.

REP. KOOPMAN wished to receive information from Harris Heimes. He was interested in how early a home-schooled child started a structured education. **Mr. Heimes** conveyed that home school children often have structure that mixes benefits with participation. And example might be, a child loving music would have to do his/her math before playing the piano.

REP. RASER requested Amber Rausch to compare her day to what Mr. Heimes had suggested a home-schooled child's day might be.

Ms. Rausch informed the committee that her class does a lot of hands-on learning. At present, the class is studying the Arctic and Antarctica; and the kindergarten students have been researching penguins and are now creating them with papier-mache. At other times of the day, they form small groups and do reading or mathematics or writing. The other students are exploring subjects at a literacy center or math center. **REP. RASER** asked if there are a variety of activities with some more structured than others. **Ms. Rausch** said, "Absolutely." She emphasized that there is a great amount of social structure involved all day.

Closing by Sponsor:

REP. GALVIN-HALCRO informed the committee that Mr. Melton would see that the committee had the information they were seeking. Mr. Melton had told her that in some form or other there are 30 states that fund full-day kindergarten. She noted that there had been reference to day care being proved at full-day kindergarten and she believed that after visiting Bryant School, observers saw that was not what was happening. The **SPONSOR** was offended that such a suggested use of the bill was made in a room full of educators. The suggestion that day cares would close because of the bill was also addressed. In Great Falls, Dr. Dunn held meetings before full-day classes were initiated. Day care providers were invited to the meetings and those providers showed very little concern about the change in the kindergarten program. She had checked with Dr. Dunn as to complaints from day care providers since the program was initiated and he said, "Absolutely none."

She believed that the figure heard from the opponent about one third the day care programs going out of business was not true in Great Falls. Full-day kindergarten is vital for children to start on a successful path to learning and not every child is privileged to have parents that stay home or choose to have the opportunity to go to a private school. For those children, offering this option is a viable source for them. The children make greater progress in mathematics, reading, and overall general learning skills. Children that attend full-day kindergarten make significant gains in social and emotional

development. The schools have fewer retentions and special education placements. The students also demonstrate fewer behavioral problems.

HB 47 does not require school districts to offer full-day kindergarten programs. That is left to local control. The bill does not require parents to enroll their children in full-day kindergarten; it is left up to individual families. **HB 47** provides an opportunity to districts and families that wish to ensure success for future leaders. It offers local control and flexibility for those districts, families, and communities that want a great start for all the children and not just the privileged children.

REP. KOOPMAN announced that he had set up an internet address for education comments at www.qualityeducation.com.

REP. RASER told the committee she would like to know where the handouts originated that were at her chair when she arrived at a meeting. She was concerned about the materials being there and not knowing who sent them and what they related to.

REP. GALVIN-HALCRO said it was a good point and that in the future before any papers were handed out, they should be okayed by the chairperson, regardless of where they originated.

REP. WINDHAM reported that she preferred receiving the entire article rather than a portion. It means nothing to her without the entire publication.

REP. GRINDE said she had the same concern that **REP. RASER** had raised. She didn't feel that any witnesses had identified the handouts.

REP. KOOPMAN said he appreciated the clarification on handing out testimonies. In the future he will go through the chairperson.

ADJOURNMENT

Adjournment: 5:45 P.M.

REP. KATHLEEN GALVIN-HALCRO, Chairman

NINA ROATCH-BARFUSS, Secretary

KG/nb